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14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 CRISTOBAL MELCHOR MARTINEZ, an
17 individual,

18 CASE NO.: 2:23-cv-00363-JCM-NJK

19 Plaintiff,

20 v.

21 **STIPULATION TO EXTEND**
DEFENDANT'S TIME TO ANSWER
PLAINTIFF'S COMPLAINT

22 **(Second Request)**

23 UNITED STATES POSTAL SERVICE; DOE
24 EMPLOYEE; ROE GOVERNMENT
ENTITY; DOE OWNER, I-V; DOE DRIVER,
I-V; ROE EMPLOYER, and ROE
COMPANIES, inclusive,

25 Defendant.

26 COME NOW PLAINTIFF CRISTOBAL MELCHOR MARTINEZ by and through his
27 attorney, **Mahna Pourshaban, Esq.** of the Law Offices of **GINA CORENA & ASSOCIATES**
28 and DEFENDANT UNITED STATES POSTAL SERVICE, by and through attorney **Skyler H. Pearson, Esq.** of the **UNITED STATES JUSTICE DEPARTMENT**, and hereby stipulate to
extend the time for Defendants to respond to Plaintiff's Complaint.

29 The parties have previously stipulated that the time would be extended to April 17, 2023
30 (60 days from the date of service). The parties now stipulate to extend to May 5, 2023.

31 The basis for this stipulation is as follows:

1. This action was originally brought in the Eighth Judicial District, Clark County, Nevada. The named federal defendants are Phillip Christopher Duquaine and the United States Postal Service.

2. On March 8, 2023, the United States filed a Notice of Removal, removing the action from state to federal court.

3. Rule 81(c) of the Federal Rules of Civil Procedure provides the time in which a Defendant must answer an initial pleading in a removed action. The time provided is the later of 21 days after receipt or service of the initial pleading or seven days after the removal. *See Fed. R. Civ. P. 81(c).* However, a federal officer or agency would ordinarily be permitted a response time of 60 days following proper service to respond pursuant to the Federal Rules. *See Fed. R. Civ. P. 12(a)(2).*

4. Since the time of the Court's order (ECF No. 4) granting the parties' stipulation (ECF No. 3), the parties have engaged in discussions as to the amending of Plaintiff's complaint to avoid motions practice. Accordingly, it is proposed, requested, and stipulated that the time within which Defendants are required to respond to Plaintiff's complaint be extended to **May 5, 2023**—to allow the Plaintiff to consider filing an amended complaint and allow Defendants time to respond thereto.

5. The parties believe that this extension will streamline the case and help avoid unnecessary motion practice.

ORDER

IT IS SO ORDERED

UNITED STATES MAGISTRATE JUDGE

Dated: April 12, 2023